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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,995	03/24/2004	Richard Ormson	P/126-229	4648
2352	7590	05/12/2006		EXAMINER HUYNH, NAM TRUNG
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			ART UNIT 2617	PAPER NUMBER

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/807,995	ORMSON, RICHARD
	Examiner	Art Unit
	Nam Huynh	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 February 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 17 is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Response to Amendment***

This office action is in response to Amendment filed on 2/27/2006. Of claims 1-17; 1, 10, and 17 have been amended. Amendments to the specification filed on 2/27/2006 are acceptable.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-2, 4-11, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bamburak et al. (US 6,311,064) in view of Veerasamy et al. (US 2004/0203855).

A. Regarding claims 1 and 10, Bamburak discloses a method and device for locating a particular or desirable communications service provider in an environment having a plurality of service providers comprising a program that is executed by the

control system after power-up of the mobile communication device that performs the following functions:

- Determining whether the last service provider, that is, the service provider used before powered down (network loss), was an optimal service provider. This is determined by checking the SOC or SID (cell information) of the last service provider and a list of optimal and preferred service providers stored in memory (column 5, lines 29-38). Since the SOC or SID of the last service provider is checked from the memory, this information is inherently stored during time the mobile communications device was powered down.
- If the last service provider was optimal, the control system attempts to lock unto the control signal of the service provider (camping) (column 5, lines 40-42).
- If the last service provider is not optimal a global search of the list of optimal and preferred service providers (other of the cells) stored in memory is executed (column 5, lines 42-50). When an optimal service provider is found, the communications device registers with the service provider (camping) (column 5, lines 56-58).
- If an optimal service provider is not found from the last service provider and a list of optimal and preferred service providers, a periodic search routine (network search) is conducted in order to find an optimal service provider while the communication device is in an idle state (column 5, lines 56-67).

However, Bamburak et al. does not explicitly disclose that cell information is stored for at least prior first and second instances of network loss. Veerasamy et al. discloses a

system and method for identifying coverage holes in a wireless network in which a mobile station comprises a controller coupled to memory, capable of determining a geographic location of the mobile station at the time an ongoing call is dropped by the mobile station and storing the geographic location in the memory (page 1, paragraph 0007). The memory further comprises a drop location data file (figure 2, item 281) that indicates the location and time of mobile station at the time that service and/or a call was dropped (page 4, paragraph 0044). The invention utilizes intelligent triggers such as a REPORT SERVICE LOSS trigger bit that is set to True (e.g. Logic 1) for the current cell if the mobile is idle and it loses service. The mobile station then stores the service loss location and time (page 5, paragraph 0057) and sends the information to a RF coverage server (figure 1, item 195) that builds a database of the service drop/call information (page 3, 5, paragraphs 0035, 0057). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the storing of information when a network loss occurs, as taught by Veerasamy et al., in the system and method of Bamburak et al., in order to allow the mobile station to re-establish communication with the last service provider more efficiently and quickly since the details of the cell that last provided service before the network loss as well as details of previous network losses are stored. This will allow the amount of time a user must wait before making a call to be minimized. Although in the invention of Veerasamy et al. a GPS unit calculates the geographic location that is stored, it is further obvious that location information may include information pertaining to the cell serving the mobile station at the time of network loss.

B. Regarding claims 2, 4, 11, and 13, Veerasamy et al. shows in Figure 2 details of the communications device. The device comprises memory (item 270) that stores the drop location data (item 281). One of ordinary skill in the art would recognize that the number of entries would be limited by the capacity of the memory, or can be limited by programming within the main processor.

C. Regarding claims 5, 8, and 14, Bamburak discloses that a search schedule is downloaded where frequency bands previously searched are removed from the downloaded schedule so as to avoid searching bands that have already been searched (column 6, lines 49-54). The frequency bands that were previously searched were searched from memory and the master schedule is downloaded, or stored. Therefore, in order to properly perform this function, an identification of previously searched frequency bands, or whether the cell details to be stored have already been stored, is inherently made.

D. Regarding claims 6 and 15, it is well known in the art that a network loss occurs when a mobile communications device moves out of its coverage area. Cited herein as reference see Parkkila (US 6,223,037) columns 1-2, lines 58-67, 1-22.

E. Regarding claims 7 and 16, Bamburak et al. discloses a registration process with a service provider after a mobile communications device “powers up” (column 5, lines 15-26). Therefore showing a network loss when the mobile communications device is off.

F. Regarding claim 9, Bamburak et al. discloses that the communications device examines received service provider code e.g., SOCs or SIDs to determine whether a

service provider is an optimal one (column 5, lines 22-26). Furthermore Bamburak et al. discloses that cellular and PCS frequency bands are also searched (column 6, lines 15-57).

4. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bamburak et al. (US 6,311,064) in view of Veerasamy et al. (US 2004/0203855) as applied to claims 2 and 11 above, and further in view of Parkkila (US 6,223,037). The combination of Bamburak et al. and Veerasamy et al. discloses the limitations set forth in claims 2 and 11, but does not explicitly disclose the use of a timer to compare the cell information. Parkkila discloses a timer that times a network search that will run for a predetermined period of time, X seconds (column 8, lines 9-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a timer for searching, as taught by Parkkila, when searching for an optimal service provider in the combination of Bamburak et al. and Veerasamy et al. in order to limit the cell or optimal service provider selection procedure. By adding a time limit to the cell selection procedure, the percentage of time spent on cell selection is minimized therefore giving more time for a user to be able to make/receive calls or take advantage of other services.

***Allowable Subject Matter***

5. Claim 17 is allowed.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NTH  
5/8/06

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER